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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/185,703	11/04/1998	FREDERICK R. GUY	06053.0001-0	5673

7590 02/12/2004

Mr. John F. Sweeney
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345 Park Avenue
New York, NY 10154

EXAMINER

CHENG, JOE H

ART UNIT	PAPER NUMBER
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3713

14

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/185,703

Applicant(s)

GUY ET AL.

Examiner

Joe H. Cheng

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41-130 is/are pending in the application.
- 4a) Of the above claim(s) 46-58, 60, 61 and 74-77 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41-45, 59, 62-73 and 78-130 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 3713

DETAILED ACTION

1. In response to the Amendment filed on November 10, 2003, claims 1-40 have been cancelled, claims 41-77 and the newly added claims 78-130 are pending, wherein claims 46-58, 60, 61 and 74-77 are withdrawn from further consideration by the examiner as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 62-73, 85, 86, 93, 94, 99-101 and 122-123 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not understood as to whether claims 100, 101, 127 and 128 are independent claim or dependent claim. If it is a dependent claim then the preamble is misdescriptive. If it is an independent claim that the structural elements are missing. Moreover, what is the meaning of "a high bandwidth point to multipoint signal" (as per claims 99 and 116). In addition, claims 122 and 123 are rejected as being indefinite, because these claims are depended by themselves. Further, the antecedent basis for "the broadcasted signal" (as per claim 62), "video and data" (as per claim 69), "display data" (as per claim 71) and "at least one server of said host" (as per claim 103) has not been clearly set forth. Furthermore, the terms "other data originating at the host *or* received from another computer" (as per claim 62), "and/or" (as per claims 68, 85 and 107), "a bulletin board *or*

Art Unit: 3713

on-line communication service” (as per claims 86 and 108), “a public *or* private network” (as per claims 93, 114 and 115) and “the atmosphere *or* a cable network” (as per claim 94) are vague and indefinite, because these are alternate expressions and are subjected to more than one interpretation. Finally, claims 63-67, 70, 72, 73 and 123-126 are rejected for incorporating the above errors from their respective parent claims by dependency.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 141-45, 62-73, and 787-130 as best understood are rejected under 35 U.S.C. § 102(a) as being anticipated by Harper et al (U.S. Pat. No. 5,585,858). The broadly claimed structure can be interpreted as the simulcast of interactive signals with a conventional video signal of Harper et al. Figs. 1-10 of Harper et al broadly discloses the system for remote communication between the host facility and remote client or the computer-readable medium containing instructions for integrating a continuous signal of images and sounds with a data signal as a signal in a host server (608) communicably connected to a broadcasting facility that transmits the signal such that the signal is capable of being received by a plurality of client facilities (612) comprising receiving at the host data from at least one of the plurality of client devices that each employ its corresponding module to send data in response to user input acquired by the module,

Art Unit: 3713

providing at the host at least a portion of the received data into a signal provided for transmission to the plurality of client devices as a broadcast signal, combining the received data defining actions as at least a part of the signal (see from column 23, line 66 to column 24, line 24), wherein the at least a portion of the received data that is provided into the signal provided for transmission is addressed to a specific one or more of the plurality of client devices, and the host receives data from the plurality of client device via a public or private network, and the signal is provided for transmission by broadcast through the atmosphere (142, 146) or over a cable network (138) (see from column 5, line 33 to column 26, line 14).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dedrick (U.S. Pat. No. 5,604,542) - note Figs. 1-6.

Response to Arguments

5. Applicant's arguments filed on November 10, 2003 with respect to claims 41-45, 59 and 62-73 have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3713

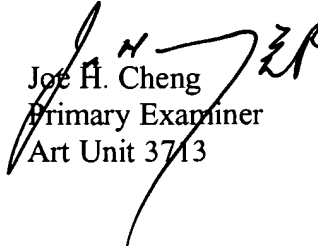
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe H. Cheng whose telephone number is (703)308-2667. The examiner can normally be reached on Tue.- Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on (703)308-1327. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1148.

Joe H. Cheng
February 8, 2004


Joe H. Cheng
Primary Examiner
Art Unit 3713